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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**  
8 **DISTRICT OF NEVADA**  
9

10 **UNITED STATES OF AMERICA,**

11 **Plaintiff,**

12 **vs.**

13 **DENISE KESER,**

14 **Defendant.**

)  
) **2:11-cr-00382-GMN-GWF**  
)  
)

)  
) **UNOPPOSED MOTION TO**  
) **CONTINUE SENTENCING**  
)  
)

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16 COMES NOW, the United States of America, by and through Charles La Bella, Deputy  
17 Chief, U.S. Department of Justice, Criminal Division, Fraud Section, and Mary Ann McCarthy,  
18 Trial Attorney, U.S. Department of Justice, Criminal Division, Fraud Section, to continue the  
19 Sentencing Hearing in the above-captioned matter currently scheduled for July 26, 2012 at  
20 9:30am. The parties respectfully request this Honorable Court to continue the Sentencing  
21 Hearings for at least 8 months to allow time for the defendant to complete her cooperation or, in  
22 the alternative, to continue the Sentencing Hearing and set a status conference within 6 months to  
23 report to the Court on the on-going investigation and the defendant's cooperation in connection  
24 with the investigation.

25 This is the first request for a continuance of this Sentencing date.  
26

1 Pursuant to General Order No. 2007-04, this Stipulation is entered into for the following  
2 reasons:

3 1. The defendant has entered a plea agreement with the United States that requires the  
4 defendant to cooperate with the United States in connection with its on-going investigation of a  
5 fraudulent scheme involving Las Vegas Home Owners Associations. The defendant has begun to  
6 cooperate with the United States in this investigation, which involves a number of potential co-  
7 conspirators and targets.

8 2. The defendant's Plea Agreement affords the defendant potential consideration for a  
9 downward departure at the time of sentencing, including the possibility of a United States  
10 Sentencing Guideline (U.S.S.G.) § 5K1.1 Motion, if the defendant has provided substantial  
11 assistance to the United States.

12 3. The United States anticipates future pleas, indictments and the possibility of one or  
13 more trials of co-conspirators and targets. These events may allow the defendant the opportunity  
14 to provide further cooperation as a witness, including the possibility of testifying at trial.  
15 However, the United States expects the resolution of such cases, including any trials in any related  
16 cases, to be at least 8 months from the defendant's current sentencing dates.

17 4. Counsel for the United States has spoken with counsel for the defendant and he  
18 agreed that the requested continuance is in the best interest of justice and does not oppose the  
19 continuance sought herein. The defendant is not in custody and will remain at liberty on her  
20 personal recognizance.

21 5. Denial of this request for continuance would deny the parties sufficient time and  
22 opportunity to develop the defendant's cooperation against the related co-conspirators and targets  
23 and prepare related cases for prosecution.

24 6. Furthermore, denial of this request for continuance could result in a miscarriage of  
25 justice.

26 7. The United States also requests an order to exclude the additional time requested

1 by this continuance in computing the time within which the trial herein must commence pursuant  
2 to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A), when considering  
3 the factors under Title 18, United States Code, Section 3161(h)(7)(B)(I) and 3161(h)(7)(B)(iv).

4  
5 DATED this 29<sup>th</sup> day of May, 2012.

6  
7 DENIS J. McINERNEY  
8 Chief  
9 United States Department of Justice,  
Criminal Division, Fraud Section

//s//

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11 CHARLES LA BELLA  
12 Deputy Chief  
13 MARY ANN McCARTHY  
14 Trial Attorney  
15 United States Department of Justice  
16 Criminal Division, Fraud Section  
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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**DENISE KESER,**

**Defendant.**

**2:11-cr-00382-GMN-GWF**

**ORDER - UNOPPOSED  
MOTION TO  
CONTINUE SENTENCING**

**FINDINGS OF FACT**

Based on the Government's pending Unopposed Motion to Continue Sentencing, and good cause appearing therefore, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing dates as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendant from the opportunity to cooperate and potentially receive a downward departure at the time of sentencing. This decision is based on the following findings:
  - a. The defendant agreed in her plea agreement to cooperate against her co-conspirators in any related indictments and trials.
  - b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.
  - c. The United States anticipates several additional pleas, indictments and trials in related cases, but not sooner than 8 months from now.
  - d. The parties need additional time to prepare the defendant's cooperation against other

co-conspirators and targets.

e. The defendant does not object to the continuance.

f. The defendant is not in custody.

3. For all the above-stated reasons, the ends of justice would best be served by continuing the Sentencing date.

4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

**ORDER**

**IT IS THEREFORE ORDERED** that the sentencing hearing currently set for July 26, 2012, at 9:30 a.m. is continued to the 28<sup>th</sup> day of March, 2013, at the hour of 9:00 a.m. in Courtroom 7D, before the Honorable Gloria M. Navarro, United States District Judge. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, U.S.C., § 3161(h)(7)(A).

**IT IS FURTHER ORDERED** that a status conference is set for the 28<sup>th</sup> day of February, 2013, at the hour of 9:00 a.m. in Courtroom 7D, before the Honorable Gloria M. Navarro, United States District Judge, to report to the Court on the on-going investigation and the defendant's cooperation in connection with the investigation.

**DATED** this 31st day of May, 2012.

  
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Gloria M. Navarro  
United States District Judge